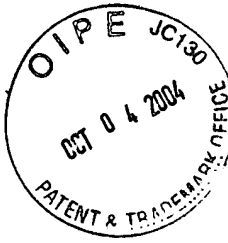


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re application of:  
Applicant : Frank Check  
Application Serial No.: 10/730,874  
Filing Date: : December 9, 2003  
Title: METHOD OF AND SYSTEM FOR DETECTING AND  
CORRECTING MODE SWITCHING IN DIFFRACTIVE-  
BASED LASER SCANNING SYSTEMS  
Examiner : n/a  
Group Art Unit : 2828  
Attorney Docket No. : 108-028USANA0

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

**DECLARATION ACCOMPANYING TRANSMITTAL OF SUBSTITUTE  
SPECIFICATION UNDER C.F.R. 1.125**

Sir:

I hereby declare that page 3 of the Substitute Specification transmitted herewith for filing in the above-referenced Application contains no new matter, in accordance with 35 U.S.C. Section 132, and includes changes set forth in the Preliminary Amendment filed December 9, 2003.

The undersigned declares further that all statements made herein are of his own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: September 28, 2004

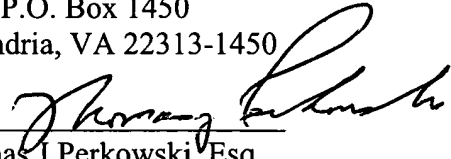
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Thomas J Perkowski, Esq.  
Date: September 28, 2004